BEST SPORTING FEATURE OF THE

Full Details Relating to the Form of ALL the Horses Running at Bennings To-Morrow on Page 12.

NEW YORK.



WEATHER-Snow and freezing; Thursday, fair.



"Circulation Books Open to All."



WEDNESDAY,



"Circulation Books Open to All."

WEATHER-Snow and freezing; Thursday, fal

EXTRA

PRICE ONE CENTA

THAW JURY IN A DEADLOCK WRANGLES FOR MANY HOURS

EVENING WORLD RACE CHART COURT IN HIS CHARGE REVIEWED FIFTEENTH DAY AT BENNINGS. TESTIMONY IN AN EXHAUSTIVE WAY APRIL 10. CLEAR.

Charge to the Jury at 5.11 o'Clock

Justice Fitzgerald Finished His Columbia course.

Start good. Won driving. Time—1.31 3.5. Winner, b. f., by Sempronius Spaldie
Ex. Starters. Wts. St. 5. 1. 1. 1. 1. 1. Simmons. S. 1. 1. 1. Simmons. Spaldie
Ex. Starters. Wts. St. 5. 1. 1. 1. 1. Simmons. S. 1. 1. Simmons. S. 1. 1. Simmons. S. 1. 1. Simmons. S. 1. Simmons. Sim Post time, 4.50; off, 4.51.

Bociety Bud showed improvement and hung on good and game. Wabash Queen race. 90 SINTH RACE Handicap; three-year olds and upward; \$600 added; one mile and 100 yards; old course.

Time—1.53 4.5. Winner, br. c., by Lamplighter—Princessores Lorraine. Owner—W. Stields.

W. Shields.

Wis. St. 56 56 1 Fin. Jockeys.

114 5 44 12 12 14 Noone
106 2 5 81 22 24 Codatein
86 4 55 44 55 35 J. Johnson.
84 3 25 5 44 45 Alexandre.

15 Scratched 5 McCarles an

le's Right and The Quail.

pelted noisily on windows facing the

NEW ORLEANS RESULTS.

EVA BOOTH STRICKEN

AFTER BIG RALLY.

ANGRY SWIRLS OVER THE CITY

Snow, Rain and Sleet So Thick You Could Cut It with a Knife.

that struck the city at 4 o'clock this afternoon was as strange a phenomena of the elements as landsmen are per-mitted to see. It came up like a summer storm and passed over like one. but the wind that accompanied it was cold and the snow and ice that rode on the wind was painfully real.

Observers in the tall office buildings mander of the Salvation Army, wh all of Jersey City and Hoboken were by a sudden illness after the address hidden in what looked to be a thick. Her condition was so serious that she is fog. stretching out over the river. It still in the hands of a physician at the minutes before it struck the lower the city.

Mrs. McKinley had arranged to rereported raging in Harlem.

A few minutes after the storm broke
skysurapers became towers of light.

skywurapers became towers of light. The lights were turned on in the street pathy and personal inquiry.

They Must Weigh the Story Told condition of his mind underwent a change. on the Stand by Evelyn Nesbit Thaw. Justice Eitzgerald finished his charge to the Thaw jury at 5.11 'clock. The jury then retired to consider the verdict. Justice Fitzgerald decided to remain within call in case a decision is reached to-night.

> District-Attorney Jerome finished his address to the jury at 3.47 clock. He had spoken more than four hours. Jerome talked in hit the-bull's-eve fashion. He assailed Thaw and Evelyn Nesbit Thaw. He said that Thaw was sane before and after the shooting. Thaw and the members of his family remained unmoved during Jerome's speech, but they all showed nervousness when the ordeal was over. They all remained in court in the hope that a verdict would be guickly rendered.

> Justice Fitzgerald started his charge to the jury at 4.20 o'clock. He began by asking their close attention, saying he desired to define to them the laws and the legal wisdom by which they must be governed in reaching an agreement. He complimented them upon the fact that they were selected out of 337 talesmen before either side had xhausted its peremptory challenges. He impressed upon them the importance of the task

> "You must take the law absolutely from the Court. Of the facts you are the sole judges," he said. Then he proceeded to make the fol-

DEFINES THE LAW TO THE JURY.

That the defendant is presumed to be innocent until proven guilty.

That he must have the benefit of every reasonable doubt. That murder in the first degree is premeditated and deliberate homi-

That murder in the second degree is homicide committed without pre

That manslaughter in the first degree is murder committed without

In ten minutes the storm had blown meditation. down over Long Island, the snow teased, the sky brightened. A drizzling rain continued for a time to add to the discomfort of the rush of tired business people bound homeward.

That he the intent to cause death. That homicides which are not criminal are classed as justifiable and

excusable homicides, where life is taken in self-defense or in proper defense of another.

FIRST RACE—One mile.—Gold Duke
21 to 5 and 6 to 5) 1, McAllister (1 to
for place) 2, King Brush 3. Time—
That in this case, th That homicide is also excusable when committed by accident and

That in this case, the defense being insanity, it is governed by certain sections of the Penal Code.

SECOND RACE—Seven furlongs— Cablegram (2 to 5 and out) 1, St. Joseon 6 to 1 for place) 2, Vic Ziegler, 2, Time That a person is not excused from criminal liability as idiot, imbecile THIRD RACE—Mile and a quarter—Flavigny (9 to 20 and out) 1. St. Noel (2 to 1 for place) 2. Donna 3. Time—3.09
FOURTH RACE—Half mile.—Blue Lee (6 to 5 and 1 to 2) 1. Baick Mary (1 to 5 for place) 2. Truce 2. Time lunatic or insane person unless he labors under such a defect of reason as not to know the nature and quality of his act or not to know the act was wrong.

That, as the characters and acts of individuals vary, the jury must

not undertake to judge this case by other cases. A black squall of snow, rain and sleet (6 to 5 for place) 2 Quagga 2 Time-1.42 committed with deliberation and premeditation by a same person, they That if, from the evidence, the jury was satisfied that the deed was must find the defendant guilty of murder in the first degree.

> TELLS OF MURDER IN SECOND DEGREE. That if the jury found it was committed by a sane person, but with-

> out deliberation or premeditation, they must find the defendant gu'lty of murder in the second degree. That the character of the victim furnished neither justification or ex-

cuse. "A private avenger of private or public wrongs is not recognized by downtown noticed the sky turning gray spoke at the Auditorium here last night cuse. "A private avenger of private or public wrongs is not recognized by behind the Jersey hills about \$30. Soon to four thousand people, was attacked the law. The character of the victim must not enter into your deliberations in arriving at a verdict."

That evidence of communication claimed to have been made to the de moved on New York like a cloud. Ten Mckinley Hotel and is unable to leave fendant had been admitted only tending to show the effect of such communication upon his sanity. That the law presumes sanity, as that is the normal condition of man

> kind, and that the burden of the proof of insanity was upon the defense. That a weak or disordered mind was not in itself an excuse and that delusion in the defendant's mind was not excusable for a homicide unless the delusion, if true, would have constituted a proper excuse. That the jury must decide whether Thew knew the set of cocking

APRIL 10, 1907.

- He Defined Every Phase of the HAD RIGHT TO PROVE MORAL PURPOSE.

Law and Told the Twelve Men have had

That the story of the defendant's wife, with all its phases and the atitude given the cross-examiner, should be weighed in their entirety.

and the fact of her husband's peril should be given due consideration. That the claim had been that the credibility of Hummel might be im-

ached because of his conviction and because of his record and the jury That the legal presumption was that the defendant was sane at the ime of the killing, but that any reasonable doubt as to his sanity must be

That testimony regarding the defendant's alleged insanity as shown in

to show the probable condition of the defendant's mind at the time of the That the jury might acept or reject the testimony of any expert, and that the jury must take into consideration the standing, reputation and ex-

perience of the experts. That the opinions of the experts must be considered in connection

MUST HAVE BENEFIT OF THE DOUBT.

That it must not be taken as granted that the statements embodied in the hypothetical questions were true.

Tha a reasonable doubt was not a possible doubt.

That the prosecution was not called upon to prove the guilt beyond a possible doubt, but that guilt must be proven beyond a reasonable doubt. That if the gry had a reasonable doubt of the defendant's guilt in the first degree and had no reasonable doubt of murder or manslaughter in a leaser degree, they must give him the benefit of the doubt and find him

guilty in the lesser degree. That the jury must consider only the fac tsof evidence and to disregard all statements of counsel except such as were pertinent and proper. That the jury should reach its verdict in the light of the law and in

wisdom and fairness and honesty. That if the defendant were acquitted on the ground of insanity, the

jury must so state in its verdict. Justice Fitzgerald finished at 5.11. Jerome asked that the Judge charge

the jurors, also that, if after a discussion, one of the jurors still felt a reasonable doubt, all of the jurors must vote to find the defendant guilty in a lesser degree. Justice Fitzgerald made this addition.

The Court then followed the usual formality of entering an exception in the name of the defense on the ground that the charge to the jury offered by the defense had not been used by th Judge.

HARRY THAW WAS NOTICEABLY NERVOUS. At exactly 5.15 he sent the jurors to their room to ballot for the guilt r innocence of Harry Tham. Thaw, who had become noticeably nervous while His Honor was delivering the charge, gazed hard into the face of

each juror as the twelve men brushed by him on their way out of the jury The prisoner was at once returned to his cell, and his family went to the ante-room, which they have used since the trial began, to wait for the summous which would mean so much to them. It was stated that all of

the Thaw party would remain in the court-house building until the jury reported, no matter what the hour might be. Evelyn Nesbit Thaw said to an Evening World reporter as she left the

"We are all still confident that Harry will be acquitted. We do not believe that Mr. Jerome's speech has injured his chances and I for one am quite certain that we will hear the good news in a little while."

The young wife did not appear to be in the least agitated. The grip of her gloved hand as the shook hands, was perfectly steady. Old Mrs. Thaw looked worn and haggard, but there were no indications that the on-hearte mother would break down.

Although Thaw's lawyers professed themselves as being amply satisfied with the instructions, it was a general sentiment among the lawyers in the court-room that the instructions had been rather adverse to the cause of the defense.

DISTRICT-ATTORNEY JEROME'S SPEECH ON PAGE 2.

Jury Began Deliberations Upon Facts in Greatest Murder Trial After Brief Charge on the Law by Justice Fitzgerald.

JEROME SUMMED UP IN HAMMER-AND-TONGS STYLE

'Dementia Americana' Ridiculed by District Attorney After Bitter Attack on Evelyn Nesbit and Her Story, Which He Denied as Concocted Lie.

The jury trying Harry K. Thaw before Justice Fitzgerald in the Criminal Branch of the Supreme Court was deadlocked at 1 o'clock to-night. All indications from the jury room pointed to an all-night session.

The jury had not been locked up an hour when the indications of a long session induced them to take a recess for dinner. Under a strong guard of court officers they procecded to the Broadway Central Hotel at 6.40 P. M. The jurors were given a good big dinner, over which they remained the best part of two hours, returning to the jury room at 8.55 o'clock.

Harry Thaw gave expression to apprehension which was interpreted as fear for the worst when the jurors filed out He was heard to say to a deputy: "Well, thank God! we have enough exceptions."

For the first time since his incarceration, he was let alone in the court prison-pen with his wife, Evelyn Nesbit Thaw, who had gone to a lunch at Pontin's restaurant as soon

as the jury went out. They remained alone three-quarters of an hour, talking over the developments of the day and the stinging araignment of District-Attorney Jerome.

After a time they were joined by Josiah Thaw and Mr. and Mrs. George Carnegie. The others of the Thaw party went to the Hotel Lorraine for dinner and rest after the long strang.

When the jury had been convened for their night's session sustice Fitzgerald sent word that he would remain within telethone call ready to come to the Criminal Cuorts Building at son as the jury came in.

3 in after 10 o'clock word trickled out from the jury room hat the jurors had not even come to the point of taking the met tot and that the deliberations had reached no definite